

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on February 14, 2003
at 3 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Bob Bergren (D)
Rep. Ronald Devlin (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Bernie Olson (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: Rep. Joe Balyeat (R)

Staff Present: Leanne Kurtz, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 556, HB 544, 2/10/2003; HB 419,
2/6/2003
Executive Action: HB 458, HB 549, HB 514, HB 530

HEARING ON HB 556

Note: This bill was re-scheduled for another day but these witnesses arrived today and **CHAIRMAN WAITSCHIES** allowed them to present their testimony to the committee the rest of the testimony and official hearing will be held next week.

Sponsor: REPRESENTATIVE GALLIK, HD 52

Opening Statement by Sponsor:

REP. GALLIK introduced HB 556 as a constituent bill. The bill would allow ham radio operators to place their ham radio license on their motor homes.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.3}

Proponents' Testimony:

Ervin Davis, Ham Radio Operator from Charlo Montana, presented written testimony in support of this bill.

EXHIBIT(trh33a01)

{Tape: 1; Side: A; Approx. Time Counter: 3.3 - 6.9}

Louis Ball, Missoula Ham Radio operator, supported this bill and explained why they wanted to put the license on a motor home.

{Tape: 1; Side: A; Approx. Time Counter: 6.9 - 9.6}

Closing by Sponsor:

REP. GALLIK will present his closing at the regular hearing for this bill.

{Tape: 1; Side: A; Approx. Time Counter: 9.6 - 9.7}

HEARING ON HB 419

Sponsor: REPRESENTATIVE JEFF LASZLOFFY, HD 22

Opening Statement by Sponsor:

REP. LASZLOFFY introduced HB 419 as a railroad whistle bill. This bill would change and clarify the requirements of when a

train must blow their whistles. Current law requires trains to blow its whistle at every crossing, this includes both private and public crossing, and they must blow the whistle must be blown 1/4 of a mile before every crossing, therefore in residential area where the private crossing are close together the train blows their whistle continually for up to 10 miles.

EXHIBIT(trh33a02)

EXHIBIT(trh33a03)

{Tape: 1; Side: A; Approx. Time Counter: 9.7 - 13.3}

Proponents' Testimony:

SENATOR JIM ELLIOTT supports this bill and would eliminate many constituent complaints about train whistles at all hours of the day and night at private crossing.

{Tape: 1; Side: A; Approx. Time Counter: 13.3 - 14.8}

Leo Berry, Burlington Northern Sante Fe, submitted written testimony supporting the bill on behalf of **Pat Keim**.

EXHIBIT(trh33a04)

{Tape: 1; Side: A; Approx. Time Counter: 14.8 - 18.3}

John Grewell, Vice President Operations, Montana Rail Link, supports this legislation.

{Tape: 1; Side: A; Approx. Time Counter: 18.3 - 19.2}

Fran Marceau, United Transportation Union, supports HB 419.

{Tape: 1; Side: A; Approx. Time Counter: 19.2 - 20.2}

Greg Gilchrist, Chairman of Montana State Locomotive Board for the Brotherhood of Locomotive Engineers, supports this bill.

{Tape: 1; Side: A; Approx. Time Counter: 20.2 - 21.5}

Jerry Driscoll, AFL-CIO, supports this legislation.

{Tape: 1; Side: A; Approx. Time Counter: 21.5 - 21.9}

Dr. Ray Nelson, Thompson Falls, supported this bill and explained how the lack of sleep was harming him and his patients.

EXHIBIT(trh33a05)

EXHIBIT(trh33a06)

EXHIBIT(trh33a07)

EXHIBIT(trh33a08)

EXHIBIT(trh33a09)

{Tape: 1; Side: A; Approx. Time Counter: 21.9 - 25.1}

Opponents' Testimony:

Zander Blewett, attorney, opposed this bill. He explained this bill would exempt the railroad from any liability issues. He cited several cases of persons injured by railroad trains and this bill would take away legal recourse these person have under current law.

{Tape: 1; Side: A; Approx. Time Counter: 25.1 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 8.5}

Al Smith, Montana Trial Lawyers, opposes this bill.

{Tape: 1; Side: B; Approx. Time Counter: 8.5 - 12.3}

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. GALLIK, WAITSCHIES, STEINBEISSER, GOLIE, KEANE, ROME and **WILSON** questioned the witnesses.

REP. LASZLOFFY quoted "The only purpose for the legislation, the language in this legislation is to deal specifically with when a whistle shall and shall not be blown and it is not the intent of myself and the legislature to mess with the public crossings or the public roads statutes in any other part of the code. That is on that tape now and it is part of the public record and if the courts want to come back and search for legislative intent it is there."

{Tape: 1; Side: B; Approx. Time Counter: 12.3 - 30}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 26.9}

Closing by Sponsor:

REP. LASZLOFFY closed with a summary of the testimony and cited the need for safety, peace and quite in Montana.

{Tape: 2; Side: A; Approx. Time Counter: 26.9 - 30}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 2.5}

HEARING ON HB 544

Sponsor: REP. HAYNES, HD 63

Opening Statement by Sponsor:

REP. HAYNES introduced HB 544. The bill deals with uninsured motorists which involves all Montana citizens with concerns. He offered an amendment to strike Section 1 in its entirety and strike Section 2 in its entirety. Section 3 is what is needed in law, it restricts the amount of recovery for anyone convicted of not having insurance.

{Tape: 2; Side: B; Approx. Time Counter: 2.5 - 9.8}

Proponents' Testimony:

Roger McGlenn, Executive Director of Independent Insurance Agents of Montana, supports the bill.

{Tape: 2; Side: B; Approx. Time Counter: 9.8 - 10.2}

Don Allen, Montana Association of Insurers, supports this legislation.

{Tape: 2; Side: B; Approx. Time Counter: 10.2 - 11.8}

Jacqueline Lenmark, American Insurance Association, supported this bill.

{Tape: 2; Side: B; Approx. Time Counter: 11.8 - 13.2}

Greg Van Horssen, State Farm Insurance, supports this legislation with amendments.

Jon Metropolis, Farmers Insurance Comapny, supports the legislation.

{Tape: 2; Side: B; Approx. Time Counter: 13.2- 16.2}

Opponents' Testimony:

Al Smith, Montana Trial Lawyers, opposes this legislation as a taking of rights issue.

{Tape: 2; Side: B; Approx. Time Counter: 16.2 - 18.5}

Matt Leow, Montana Public Interest Research Group, opposed this legislation.

{Tape: 2; Side: B; Approx. Time Counter: 20.8 - 23.4}

Jill Gerdrum, State Auditors Office, expressed opposition to this legislation. This is a punitive bill rather than a prevention bill.

{Tape: 2; Side: B; Approx. Time Counter: 23.4 - 24.4}

Linda Gryszam, Montana Women's Rights, opposed this bill.

{Tape: 2; Side: B; Approx. Time Counter: 24.4 - 25.9}

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. OLSEN, GOLIE, WILSON, GALLIK, BOOKOUT-REINICKE and SMITH questioned the witnesses.

{Tape: 2; Side: B; Approx. Time Counter: 25.9 - 30}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 11.3}

Closing by Sponsor:

REP. HAYNES closed by asking for a do pass with amendments.

{Tape: 3; Side: A; Approx. Time Counter: 11.3 - 13.3}

EXECUTIVE ACTION ON HB 458

Motion: **REP. DEVLIN** moved that HB 458 DO PASS.

Motion/Vote: **REP. BERGREN** moved that HB 458 BE AMENDED. Motion carried 12-0. **REP. BALLYEAT** did not vote.

EXHIBIT (trh33a10)

Motion/Vote: **REP. BERGREN** moved that HB 458 DO PASS AS AMENDED. Motion carried unanimously. Without objection to be placed on Consent Calendar.

{Tape: 3; Side: A; Approx. Time Counter: 13.3 - 22.6}

EXECUTIVE ACTION ON HB 514

Motion/Vote: REP. KEANE moved that HB 514 BE TABLED. Motion carried 12-0 with REP. BALLYEAT not voting.

{Tape: 3; Side: A; Approx. Time Counter: 22.6 - 25.9}

EXECUTIVE ACTION ON HB 530

Motion: REP. GALLIK moved that HB 530 DO PASS.

Motion/Vote: REP. GALLIK moved HB 530. Motion carried 9-2 with GOLIE and OLSON voting no and REP. BALLYEAT not voting.

EXHIBIT(trh33a11)

Motion/Vote: REP. GALLIK moved that HB 530 DO PASS AS AMENDED. Motion failed 3-10 with REPS. BERGREN, GALLIK, and SMITH voting aye by roll call vote.

Motion/Vote: REP. DEVLIN moved that HB 530 BE TABLED AND THE VOTE REVERSED. The motion carried.

{Tape: 3; Side: A; Approx. Time Counter: 25.9 - 30}

EXECUTIVE ACTION ON HB 549

Motion/Vote: REP. BERGREN moved that HB 549 DO PASS. Motion carried 12-1 with REP. BALLYEAT voting no.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 2}

ADJOURNMENT

Adjournment: 5:45 P.M.

REP. KARL WAITSCHIES, Chairman

PATI O'REILLY, Secretary

KW/PO

EXHIBIT (trh33aad)